

First in this document is the text of the two specific items Houston cited. After that follows a look at the two items in fuller context. Notes and paraphrases in blue are by Owen.

## 81.101 Texas Government Code

*(Section of state law setting up the State Bar)*

“In this chapter the ‘practice of law’ means

---**the preparation of a pleading or other document incident to an action** or special proceeding or the management of the action or proceeding on behalf of a client **before a judge in court**

---as well as **a service rendered out of court, including the giving of advice** or the rendering of any service requiring the use of legal skill or knowledge, such as preparing a will, contract, or other instrument, the legal effect of which under the facts and conclusions involved must be carefully determined.”

## Texas Code of Judicial Conduct Canon 4G

*(official codes of conduct for TX judges)*

---Practice of Law. **A judge shall not practice law except as permitted by statute or this Code. Notwithstanding this prohibition, a judge may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the judge's family.**

## 81.101 Texas Government Code

<http://www.statutes.legis.state.tx.us/SOTWDocs/GV/htm/GV.81.htm>

*This is the part of Texas law that sets up the State Bar – officers, meetings, etc. (Note: You cannot buy booze with members' dues.)*

### TITLE 2. JUDICIAL BRANCH, SUBTITLE G. ATTORNEYS, CHAPTER 81. STATE BAR SUBCHAPTER G. UNAUTHORIZED PRACTICE OF LAW

Sec. 81.101. DEFINITION. (a) In this chapter the "practice of law" means the preparation of a pleading or other document incident to an action or special proceeding or the management of the action or proceeding on behalf of a client before a judge in court as well as a service rendered out of court, including the giving of advice or the rendering of any service requiring the use of legal skill or knowledge, such as preparing a will, contract, or other instrument, the legal effect of which under the facts and conclusions involved

must be carefully determined.

(b) *(paraphrase: That definition doesn't mean the judicial branch can't still decide on its own if particular acts are unauthorized practice of law)*

(c) *(paraphrase: You are specifically allowed to write books, sell legal forms or have a legal website.)*

Sec. 81.1011. EXCEPTION FOR CERTAIN LEGAL ASSISTANCE.

*(paraphrase: You can give advice to the Texas Department on Aging.)*

## Texas Code of Judicial Conduct

<http://www.courts.state.tx.us/judethics/canons.asp#Canon1>

*These are codes of conduct having to do with "judicial duties" -- things like 1. Behave good, 2. Don't have unethical associations, 3. Be patient, maintain decorum, hear all the cases you're supposed to, 5. Curtail your political activities. #3 also says "maintain professional competence in" the law and in judicial administration.*

### **Canon 4 is about extra-judicial activities:**

--- *Don't do anything that makes you look bad*

--- *You can teach law or be part of a group devoted to improving law/justice*

--- *Don't do charity work that is unbecoming of your judgeness*

--- *Don't have business interests that are unbecoming of your judgeness*

--- *Don't be an executor or fiduciary if it might conflict with being a judge*

--- *Don't be a mediator/arbitrator outside your court*

--- **Canon 4G** Practice of Law. **A judge shall not practice law except as permitted by statute or this Code. Notwithstanding this prohibition, a judge may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the judge's family.**

--- *Don't accept appointments to non-judge committees*

--- *You can accept payment for outside work if it doesn't look bad*